

Enclosure 3

Certification of Indiana's Emissions
Reporting Rule, 326 IAC 2-6, for the 2015
8-Hour Ozone National Ambient Air Quality
Standards (NAAQS)

Submitted by the Indiana Department of
Environmental Management

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1.0 Introduction

Under Section 182(a)(3)(B) of the federal Clean Air Act (CAA), states must submit state implementation plan (SIP) revisions for nonattainment areas classified as Marginal and above requiring that the owner or operator of each stationary source of oxides of nitrogen (NO_x) or volatile organic compounds (VOCs) “provide the State with a statement, in such form as the Administrator may prescribe (or accept an equivalent alternative developed by the State), for classes or categories of sources, showing the actual emissions of oxides of nitrogen and volatile organic compounds from that source. The first such statement shall be submitted within 3 years after November 15, 1990. Subsequent statements shall be submitted at least every year thereafter. The statement shall contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement.”¹ United States Environmental Protection Agency (U.S. EPA) has indicated that the source emission statement requirement applies to all areas designated as “nonattainment” for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS).²

The purpose of this document is to certify that Indiana’s Emissions Reporting Rule at 326 Indiana Administrative Code (IAC) 2-6 meets the requirements of the CAA and the 2015 8-hour ozone NAAQS. Under the 2015 8-hour ozone NAAQS, U.S. EPA designated 74 of Indiana’s 92 counties as “attainment/unclassifiable” (82 FR 54232, November 16, 2017). Remaining areas of Indiana were designated as “attainment/unclassifiable” (83 FR 25776, June 4, 2018) with the exception of Calumet, Hobart, North, Ross, and Saint John townships in Lake County, which are part of the Chicago, IL-IN-WI Marginal Nonattainment Area, and Clark and Floyd counties, which are part of the Louisville, KY-IN Marginal Nonattainment Area.³ Indiana’s current Emissions Reporting Rule, 326 IAC 2-6, requires sources located in Lake, Clark and Floyd counties that emit either NO_x or VOCs equal to or greater than 25 tons per year to annually report their actual emissions to the Indiana Department of Environmental Management (IDEM). The rule can be viewed online at http://www.in.gov/legislative/iac/iac_title?iact=326&iaca=2&submit=+Go.

2.0 Background Information

Indiana has a long-standing Emissions Reporting Rule at 326 IAC 2-6. U.S. EPA initially determined that 326 IAC 2-6 satisfied CAA requirements and approved it into Indiana’s SIP (59 FR 29953, June 10, 1994). Since then, Indiana has continued to satisfy CAA Section 182(a)(3)(B) requirements by appropriately applying 326 IAC 2-6 to affected ozone nonattainment areas. Lake County is subject to the requirements in 326

¹ <https://www.govinfo.gov/content/pkg/USCODE-2013-title42/html/USCODE-2013-title42-chap85-subchapl-partD-subpart2-sec7511a.htm>.

² See Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements (83 FR 62998, December 6, 2018) at <https://www.govinfo.gov/content/pkg/FR-2018-12-06/pdf/2018-25424.pdf>.

³ https://www.in.gov/idem/airquality/files/nonattainment_ozone_2015_20180604_fr_notice.pdf.

IAC 2-6 under previous 8-hour ozone NAAQS and remains subject to requirements under the 2015 8-hour ozone NAAQS.⁴ An amendment to 326 IAC 2-6-1, effective April 24, 2020, extends applicability to Clark and Floyd counties.⁵

3.0 Certification and SIP Submittal

Indiana's long-standing Emissions Reporting Rule, 326 IAC 2-6, satisfies the state's obligation under Section 182(a)(3)(B) of the CAA. Lake County is subject to requirements in 326 IAC 2-6 under previous 8-hour ozone NAAQS and remains subject to requirements under the 2015 8-hour ozone NAAQS. Clark and Floyd counties are subject to requirements under the 2015 8-hour ozone NAAQS, and a portion of the rule at 326 IAC 2-6-1 has been amended, effective April 24, 2020, to extend applicability to Clark and Floyd counties for the 2015 8-hour ozone NAAQS. As such, Indiana's Emissions Reporting Rule, 326 IAC 2-6, requires sources located in Lake, Clark and Floyd counties that emit either NO_x or VOCs equal to or greater than 25 tons per year to annually report their actual emissions to IDEM. Indiana therefore certifies that 326 IAC 2-6 meets the emissions statement requirements of section 182(a)(3)(B) of the CAA, including requirements under the 2015 8-hour ozone NAAQS.

⁴ See Rule for Approval and Promulgation of Plan Revisions; Indiana, (69 FR 63069, October 29, 2004) <https://www.federalregister.gov/documents/2004/10/29/04-24238/approval-and-promulgation-of-plan-revisions-indiana>.

⁵ See LSA Document # 19-409(F) in the Indiana Register at <http://iac.iga.in.gov/iac/irtoc.htm?lsayear=19&lsadoc=409&view=list&ldn=Y>. This recent rule amendment is being submitted separately to U.S. EPA for approval as an amendment to Indiana's SIP.